

REMARKS

This amendment is submitted in response to the Official Letter, dated August 6, 2004. Claims 1, 7, 12, 13, 19 and 20 have been amended, without prejudice or disclaimer. No new matter has been introduced. Support for the amended claims and the new claims is found throughout the specification, claims, and drawings as originally filed. Twenty (20) claims are pending and remain for consideration. Favorable reconsideration of the pending claims and further examination of the application is respectfully requested.

IN THE CLAIMS

35 U.S.C. § 102

Claims 14, 15 and 18 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 5,168,590, issued to O'Sullivan. This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the applicant's claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 14 recites a method for carrying the pressure-distributing medium in a personal mobility vehicle cushion. The method comprises the step of inserting a *pressure-distributing medium* in the pocket.

The Examiner indicates that O'Sullivan discloses a method comprising the steps of inserting a pressure-distributing medium 26 in a pocket 16.

Applicants disagree with the Examiner's interpretation of O'Sullivan for the following reasons. Claim 14 recites a pressure-distributing medium. The medium is provided for alleviating or preventing excessive pressure from developing on a contacted area of the user's body. The most common pressure-

distributing medium is a fluid pad, which moves with the user's body to continually maintain an even distribution of the user's weight across the surface of the cushion base.

O'Sullivan fails to disclose the step of providing a pressure-distributing medium, as recited in claim 14. Instead, O'Sullivan discloses an insert 28 and a hot/cold pack 26 or pillow insert. None of these inserts is disclosed by O'Sullivan as being a pressure-distributing medium. Since none of the inserts disclosed by O'Sullivan is disclosed as being a pressure-distributing medium, O'Sullivan fails to describe, either expressly or inherently, each and every element as set forth in claim 14. As a consequence, O'Sullivan fails to anticipate the invention of claim 14. Since O'Sullivan fails to anticipate the invention of claim 14, claim 14 should be allowable as written.

Claim 15 depends from claim 14 and should be allowable for at least the same reasons as claim 14. In addition, claim 15 comprises the step of *fastening the cover closed*. The Examiner indicates that O'Sullivan anticipates claim 15, referring Applicants to col. 3, lines 66-68 of the O'Sullivan patent. However, col. 3, lines 66-68 of the O'Sullivan patent describe a compartment 16 having an opening or open end 13 that may be fastened closed. O'Sullivan does describe a cover having an open end but that open end is not described as one that may be fastened closed. In this regard, O'Sullivan fails to anticipate the invention of claim 15. For this additional reason, claim 15 should be allowable as written.

Claim 18 depends from claim 14 and should be allowable for at least the same reasons as claim 14. In addition, claim 18 comprises the step of providing a pocket opening that further *faces forward* of the cover. By providing a forward facing opening, no stitch line is provided up front to create a pressure point across and beneath the thighs of the user. O'Sullivan describes a cover 100 having a container 16 having an opening or open end 13 but the open end does not face forward of the cover. Instead, the open end faces to the side, as clearly illustrated to the right of the container in Fig. 1. It is also abundantly clear that the stitches of the cover disclosed

by O'Sullivan are in positions that, if used for a seat cushion, would create a pressure point across and beneath the thighs of the user. For this additional reason, claim 18 should be allowable as written.

Claims 14 and 16-18 are rejected under 35 U.S.C. § 102, as anticipated by U.S. Patent No. 6,151,733, issued to Takashima. This rejection is respectfully traversed.

Claim 14 recites a method for carrying the pressure-distributing medium in a personal mobility vehicle cushion. The method comprises the step of inserting a *pressure-distributing medium* in the pocket.

The Examiner indicates that Takashima discloses a method comprising the step of inserting a pressure-distributing medium 1 in the pocket 32.

Applicants disagree with the Examiner's interpretation of Takashima for the following reasons. Claim 14 recites a step of providing a pressure-distributing medium. Takashima fails to disclose the step of providing a pressure-distributing medium, as recited in claim 14. Instead, Takashima discloses a flat pad 1 formed by stuffing a stuffing material 11 into a bag for stuffing materials 12. The stuffing materials disclosed by Takashima include chaff, buckwheat chaff, cotton, feathers, foam synthetic material resin pieces, charcoal, and cypress or other fragrant woods. None of these stuffing materials is a pressure-distributing medium. Instead, these materials function to elevate mass or transfer pressure. Since none of the stuffing materials disclosed by Takashima is a pressure-distributing medium, Takashima fails to describe, either expressly or inherently, each and every element as set forth in claim 14. As a consequence, Takashima fails to anticipate the invention of claim 14. Since Takashima fails to anticipate the invention of claim 14, claim 14 should be allowable as written.

Claims 16-18 depend from claim 14 and should be allowable for at least the same reasons as claim 14. In addition, claim 18 comprises the step of providing a *pocket opening* that further *faces forward* of a cover. Takashima describes a cover 3 having a storing member 32. However, the storing member disclosed and shown does

not have an opening, as recited in claim 18. Instead, the storing member appears to be closed. For this additional reason, claim 18 should be allowable as written.

35 U.S.C. § 103

Claims 1-4 and 6-11 are rejected under 35 U.S.C. § 103, as being unpatentable over U.S. Patent No. 5,592,707, issued to Dinsmoor et al. in view of O'Sullivan. This rejection is respectfully traversed.

Claim 1 recites a seat cushion for a personal mobility vehicle. The seat cushion comprises a base. A pressure-distributing medium is supported by the base. A cover covers the base and the pressure-distributing medium. The cover comprises a pocket for receiving the pressure-distributing medium.

The Examiner indicates Dinsmoor discloses a seat cushion comprising a base 4, a pressure-distributing medium 5 supported by the base, and a cover 3 covering the base and the pressure-distributing medium. The Examiner admits that Dinsmoor fails to disclose a cover comprising a pocket for receiving the pressure-distributing medium. For the disclosure of a pocket, the Examiner relies upon O'Sullivan, indicating that O'Sullivan discloses a cover for a cushion having a pocket 16 and further that it would have been obvious to employ the pocket taught by O'Sullivan with the cover of Dinsmoor.

Dinsmoor describes a seating system comprising hook and loop fasteners for attaching a fluid pad 5 to a base 4. The base is described as being made of a polyurethane material. This type of seating system is described in the background of the present application. A problem with this seating system is that the hook and loop fasteners do not stick to the polyurethane base. Consequently, the pad does not remain attached to the base. This problem has been solved in the prior art by providing an inner cover for covering the base, attaching the fluid pad to the inner cover with hook and loop fasteners, and providing an outer cover for covering the base, the inner cover and the fluid pad. There are a few problems with this solution. First, the two covers cause the following problem. It is desirable for the foam base to conform to the shape

of the mass of the user. The provision of the inner cover and the outer cover can cause an undesirable weight distribution of the mass of the user over the foam base, at least in systems wherein the fluid pad does not completely cover the base. Consequently, the foam pad does not conform to the shape of the mass of the user as desired. Second, the provision of the inner cover and a separate outer cover is not cost effective.

The present invention solves the foregoing problems. First, the provision of the pocket of the present invention eliminates the need for a complete inner cover. The pocket is only provided in the area of the cushion where the weight distribution medium is supported. The weight distribution medium, unlike the base, is provided for weight distribution. Hence, the provision of the pocket in the area where the weight distribution medium is supported does not affect the desired performance of the cushion. Second, the provision of a pocket, as opposed to a complete inner cover, results in a significant cost reduction. Applicants estimate that the omission of the complete inner cover results in a reduction in the cost of the cushion from as little as 10 to fifteen percent and as much as fifty percent over the aforementioned prior art solution. The present invention has also achieved significant commercial success in that the present invention boasts to be one of Applicants' best-selling seat cushion covers.

Applicants respectfully submit that it would not have been obvious to combine the teachings of Dinsmoor and O'Sullivan. First, the seating system teachings of Dinsmoor are not analogous to the pillow teaching of O'Sullivan. Second, the aforementioned problem has continued to exist for many years after the Dinsmoor and O'Sullivan patents issued. Those of ordinary skill in the art of the invention have had many years to combine the teachings of Dinsmoor and O'Sullivan to meet the aforementioned long-felt unsolved need but prior to the present invention, the need has remained unsolved. Applicants have ordinary, if not extraordinary, skill in the art of the invention and have not considered the teachings of pillow art when developing seat cushions for wheelchairs. In this regard, it was not obvious to those of ordinary skill

in the art at the time of the invention to combine the teachings of Dinsmoor and O'Sullivan. Third, Applicants have achieved significant commercial success with the present invention. If the solution to the aforementioned problem rewarded Applicants with commercial success and the solution was obvious, then someone would have brought the solution to market to gain commercial success. In other words, if Applicants' invention is rewarded with commercial success, then the assumption can be made that if the invention were obvious, then someone else would have previously brought it to market. In view of the foregoing remarks and arguments, it would not have been obvious to combine the teachings of Dinsmoor and O'Sullivan to arrive at the invention set forth in claim 1. Consequently, the rejection of claim 1 is improper and claim 1 should be allowable as written.

Claims 2-4 and 6-11 depend from claim 1 and should be allowable for at least the same reasons as claim 1, as set forth above. In addition, claim 4 specifically recites a pocket positioned at a rear of the cover substantially over a seat well. None of the cited references disclose or suggest the invention of claim 4. Claim 6 recites a pocket that includes an opening at a front end thereof. None of the cited references disclose or suggest a pocket that includes an opening at its front end. Claim 7 recites a pocket that is closed along rear and lateral sides of a cover. None of the cited references disclose or suggest a pocket that is closed along rear and lateral sides of a cover. Claims 8-11 further recites at least one fastener in a pocket for securing a pressure-distributing medium in the pocket. None of the cited references disclose or suggest a fastener in a pocket for securing a pressure-distributing medium in the pocket. For these additional reasons, claims 4 and 6-11 should be allowable.

Claims 1-5 are rejected under 35 U.S.C. § 103, as being unpatentable over Dinsmoor et al. in view of Takashima. This rejection is respectfully traversed.

Claims 1 recites a seat cushion for a personal mobility vehicle. The seat cushion comprises a base. A pressure-distributing medium is supported by the base. A cover covers the base and the pressure-distributing medium. The cover comprises a pocket for receiving the pressure-distributing medium.

The Examiner indicates Dinsmoor discloses a seat cushion comprising a base 4, a pressure-distributing medium 5 supported by the base, and a cover 3 covering the base and the pressure-distributing medium. The Examiner admits that Dinsmoor fails to disclose a cover comprising a pocket for receiving the pressure-distributing medium. For the disclosure of a pocket, the Examiner relies upon Takashima, indicating that Takashima discloses a cover for a cushion having a pocket 32 and further that it would have been obvious to employ the pocket taught by Takashima with the cover of Dinsmoor.

As stated above, Dinsmoor describes a seating system comprising hook and loop fasteners for attaching a fluid pad 5 to a base 4. The base is described as being made of a polyurethane material. The hook and loop fasteners do not stick to the polyurethane base. Consequently, the pad does not remain attached to the base. This problem has been solved in the prior art by providing an inner cover for covering the base, attaching the fluid pad to the inner cover with hook and loop fasteners, and providing an outer cover for covering the base, the inner cover and the fluid pad. However, there are a few problems with this solution. First, the provision of the inner cover and the outer cover can cause an undesirable weight distribution of the mass of the user over the foam base. Second, the provision of the inner cover and a separate outer cover is not cost effective. The present invention solves the foregoing problems.

It would not have been obvious to combine the teachings of Dinsmoor and Takashima for the following reasons. First, the seating system teachings of Dinsmoor are not analogous to the pillow teaching of Takashima. Second, the aforementioned problem has continued to exist for many years after the Dinsmoor and Takashima patents issued. Those of ordinary skill in the art of the invention have had many years to combine the teachings of Dinsmoor and Takashima to meet the aforementioned long-felt unsolved need but prior to the present invention, the need has remained unsolved. Applicants have ordinary skill in the art of the invention and have not considered the teachings of pillow art when developing seat cushions for wheelchairs. In this regard, it was not obvious to those of ordinary skill in the art at the time of the

invention to combine the teachings of Dinsmoor and Takashima. Third, Applicants have achieved significant commercial success with the present invention. If the solution to the aforementioned problem rewarded Applicants with commercial success and the solution was obvious, then someone would have brought the solution to market to gain the commercial success. In view of the foregoing remarks and arguments, it would not have been obvious to combine the teachings of Dinsmoor and Takashima to arrive at the invention set forth in claim 1. Consequently, the rejection of claim 1 is improper and claim 1 should be allowable as written.

Claims 2-5 depend from claim 1 and should be allowable for at least the same reasons as claim 1, as set forth above. In addition, claim 4 specifically recites a pocket positioned at a rear of the cover substantially over a seat well. None of the cited references disclose or suggest the invention of claim 4. Claim 5 recites a pocket that is provided within the cover. Dinsmoor fails to disclose or suggest a pocket, as admitted by the Examiner. Takashima fails to cure the deficiencies in Dinsmoor because, contrary to the Examiner's interpretation of the Takashima patent, Takashima discloses a storing member 32 that does not have an opening, as would a pocket. Instead, the storing member appears to be closed. For this additional reason, claim 5 should be allowable as written.

#### Allowable Subject Matter

Applicants acknowledge that claims 12, 13, 19 and 20 have been indicated as allowable if rewritten in independent form. Claims 12, 13, 19 and 20 have been rewritten in independent form.

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.